

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Martin C. Ashman	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	99 C 2569	DATE	6/19/2002
CASE TITLE	USA vs. Edwin D. Lawlor, III		

MOTION: [In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

DOCKET ENTRY:

- (1) Filed motion of [use listing in "Motion" box above.]
 - (2) Brief in support of motion due _____.
 - (3) Answer brief to motion due _____. Reply to answer brief due _____.
 - (4) Ruling/Hearing on _____ set for _____ at _____.
 - (5) Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
 - (6) Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
 - (7) Trial[set for/re-set for] on _____ at _____.
 - (8) [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
 - (9) This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
 FRCP4(m) General Rule 21 FRCP41(a)(1) FRCP41(a)(2).
 - (10) [Other docket entry] Report and recommendation recommending that plaintiff's motion for entry of order of garnishment be granted is hereby entered of record.
 - (11) [For further detail see order attached to the original minute order.]

	No notices required, advised in open court.		
	No notices required.	2 number of notices	
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.	JUN 21 2002 date docketed	
	Notified counsel by telephone.	<i>RML</i> docketing deputy initials	
	Docketing to mail notices.		
	Mail AO 450 form.	6/19/2002 date mailed notice	
	Copy to judge/magistrate judge.	IS mailing deputy initials	
IS		courtroom deputy's initials	
<p style="text-align: center;">U.S. DISTRICT COURT CLERK</p> <p style="text-align: center;">02 JUN 19 PM 4:57</p> <p style="text-align: center;">FILED - 2002 central Clerk's Office</p>			

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,)
)
 Plaintiff,) Case No. 99 C 2569
)
 v.) Magistrate Judge
) Martin C. Ashman
EDWIN D. LAWLOR, III,)
)
 Defendant,)
)
 and)
)
AMERICAN FEDERATION OF STATE,)
COUNTY & MUNICIPAL EMPLOYEES,)
AFL-CIO,)
)
 Garnishee.)

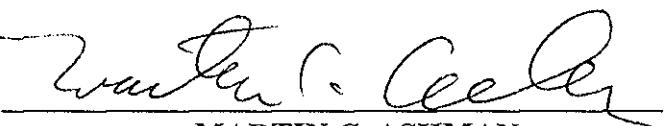
DOCKETED
JUN 21 2002

REPORT AND RECOMMENDATION

On August 13, 1999, this Court entered a judgment by default against Lawlor and in favor of the United States. A writ of continuing garnishment directed to the American Federation of State, County & Municipal Employees, AFL-CIO ("AFSCME"), was issued on the judgment on July 31, 2001, and served on AFSCME on August 20, 2001. Pursuant to the writ of continuing garnishment, AFSCME answered that it had under its possession and control wages belonging to Lawlor. On August 15, 2001, Lawlor was notified of his right to a hearing and his right to object to the answer of AFSCME; however, Lawlor neither requested a hearing nor objected to the answer of AFSCME within the time provided by law.

On June 5, 2002, the United States filed a Motion for Entry of an Order of Garnishment and served Lawlor with a copy of the same. The United States indicated that Lawlor's

outstanding balance as of May 16, 2002, was \$35,528.24. On June 18, 2002, the United States presented its motion to this Court in the absence of Lawlor, who failed to appear. After review, this Court recommends the entry of an order of garnishment, as per the United States's request, directing AFSCME to pay to the United States a sum equal to twenty-five percent of Lawlor's disposable earnings since August 20, 2001, less the amount withheld during that period for the garnishment/withholding of the Illinois Student Assistance Commission, and directing AFSCME to continue the payments for each pay period until the debt to the United States is paid in full, or until AFSCME no longer has custody, possession, or control of any wages belonging to Lawlor, or until further order of the court.



Martin C. Ashman
MARTIN C. ASHMAN
United States Magistrate Judge

Dated: June 19, 2002.

Written objections to any finding of fact, conclusion of law, or the recommendation for disposition of this matter must be filed with the Clerk of the Court within ten (10) days after service of this Report and Recommendation. *See* Fed. R. Civ. P. 72(b). Failure to object will constitute a waiver of objections on appeal.

Copies have been mailed to:

MICHELE S. SCHROEDER, Esq.
Assistant United States Attorney
219 South Dearborn Street
Suite 500
Chicago, IL 60604

Attorney for Plaintiff

EDWIN D. LAWLOR, III
3314 North Rocky Beach Lane
McHenry, IL 60050

Pro Se Defendant